

1894-017
Lee Co.

Chancery Causes: H. F. Barker vs. Hiram Lewis &c

Legg, Bailey, Suttle

-Deed

CA-Debt

T-Property

Virginia, Lee

To the Honorable John A. Kelly Judge of the
Circuit Court of said County.

Humbly complaining, sheweth unto your
honor, your orator H. H. Barker on behalf
of himself and all other judgment or other
lien holding creditors of Hiram Lewis, who
shall come in and contribute to the expense of
this suit, that on the 10th day of March 1883
one one Wm M Pennington obtained, before
Wm P Page, a Justice of the Peace of said Cou-
nty, a judgment against said Lewis & your
orator as security of said Lewis for the sum
of \$37⁰⁰ with interest thereon from the
31st day of December 1882, till paid & p
costs, on which judgment, on the said 10th day
of March 1883, an execution was issued by
said Justice of the peace and placed in the
hands of M. H. Reason Constable of said County
for collection, and was by said Constable
returned with the following return endorsed
thereon, "No property found, M. H. Reason, C. L. B."
and afterwards, to wit, on the 19th day of July
1883, said judgment was returned to & filed
in the Clerk's office of the County Court of
said County, and on the 16th day of October 1883
said judgment was docketed in the Justices
Judgment docket in said Clerk's office and
a writ of fieri facias was duly issued from

the said clerks returnable to Deer Rules / 1883,
and which was placed in the hands of J. L.
Pennington Constable of said County to be
executed, and was on the return day thereof
returned by said Constable with the following
return endorsed thereon, "Paid in full by
H. Y. Barker Oct 26th 1883, J. L. Pennington C.L.B."
A copy of said judgment and the docketing of
the same is herewith filed marked "A", and
copies of said executions and the returns there-
on are herewith filed marked "B" & "C" respectively.
Now your orator further states that the said
Hiram Lewis is now, and was at the time
of the payment of said debt by your orator,
insolvent, as to any personal property upon
upon which a writ of fieri facias could be
levied, and your orator was thus compelled
to pay said debt as security for said Lewis,
no part of which has been paid to your orator.
Your orator will further show your honor
that the said Lewis is the owner of a small
tract of land lying in said County, in the
Oral Orchard, at the mouth of Wells branch
containing 8 acres, more or less, and conveyed
to him by Carr Bailey, a copy of said conveyance
is herewith filed marked "D", and said Lewis
is also the owner of an interest in a tract
of land in said Oral Orchard described in

a deed of trust executed by said Lewis & Thomas N Legg, on the 28th day of Nov 1882 to Carr Bailey trustee &c, hereinafter referred to, but the extent of said interest is not known to your orator, and upon the said real estate, and interest in real estate, your orator is advised said judgment is a lien for his benefit, he being subrogated to all the rights & remedies of said Pennington as to said judgment. Now your orator will further show your honor that on the 28th day of November 1882 said Lewis & one Thomas N Legg executed to Carr Bailey, Trustee, a deed of trust by which they conveyed to said trustee the said small tract of land & also one half of another tract, in trust to secure to James K P Legg the sum of \$51.00 with interest from June 10th 1882 and also to secure to Elizabeth M Suttle, wife of Silas Suttle, the sum of \$75.00 with interest & subject to certain small credits thereafter to be given, which debts were to be paid or before May 1st 1883, and said deed of trust was recorded in the said clerk's office on the 21st day of November 1883, "A copy of said deed of trust is herewith filed marked 'E'." And your Orator is informed there are probably other judgment liens against said Lewis, and he alleges that the rents and profits of said real estate will not in five years pay & satisfy the liens

existing thereon.

In tender consideration whereof, for as much as your orator is remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, Your orator prays that the said Dorian Lewis, Thomas V Legg, Carr Bailey Trustee James K P Legg, Elizabeth M Buttle & Silas Buttle her husband be made parties defendants to this bill and required to answer the same on oath; that an account may be taken, by & under the decree of this honorable court, of all the liens due & owing by said Lewis, that are liens upon his real estate, and their priorities ascertained, so far as the lien holders are desirous of enforcing their liens against his real estate, and that a commissioner of this honorable court ascertain and report what real estate, or interest in real estate the said Lewis owns that is subject to the payment of said liens, and that the same, or so much thereof as may be necessary, be sold to satisfy said liens, and that your honor will grant unto your orator such further general relief as may be consistent with equity and the case requires. May process issue &c, And your orator will ever pray &c.

Richmond Duncan & Orr.
for Plaintiff.

6.7.02 to Aug 84
 5 3.20
 wit 1.56
 18.50
 Estima 5.00
 31.28

Accumulated
 Costs -
 Hyatt C 5.44
 M. C. 1.63

46

H. H. Barker
 153 Bill in Chy.
 Hiram Lewis et al.

1884 Febry Bill filed Spa 24th Oct.
 " March D. A confd + cause
 set for hearing
 " Mr. Term Secrec + Court O.
 " Aug Decree for 12th Oct.
 " Mr. Court O.
 " Court O. this year

1886	"	"
1887	"	"
1888	"	"
1889	"	"
1890	"	"
1891	"	"
1892	"	"
1893	"	"

1894 Mr. Court O.
 " June Decree final
 O.B. 4 - 26
 June 13th 1894

H. F. Barker

vs.

Hiram Lewis & Co.

This cause came on again this day to be further heard upon the papers formerly read, and the report of C. T. Duncan heard and read therewith this day filed and was argued by counsel and there being no exceptions to said report and said deed appearing to be properly executed said report and deed are confirmed and it is further adjudged ordered and decreed that said H. F. Barker pay said C. T. Duncan tenor five dollars for making and executing said deed for which execution may issue and the clerk of this court will deliver said deed to the said Barker on his request for the same. And there remaining nothing further to be done this cause is stricken from the docket.

H. F. Barker

to ⁴/₃ Deacons
Final

Hiram Lewis

Ent. on Chy. Ord. Book 4 P. 26

Enter this date

M. J. M.

June 13th 1894

H. H. Barker

Plff

against

Hiram Lewis et als Defts

In chancery.

This cause came on again this day to be further heard upon the papers formerly read in the cause and the ^{written} agreement of ^{Plff} H. H. Barker & Thomas N Legg one of the defendants in this cause, filed July 24th 1884, and was argued by counsel ^{and by agreement of parties the bill is dismissed by the Plff's}. On consideration whereof it is adjudged ordered and decreed that C. T. Duncan who is appointed a special Commissioner for the purpose, do proceed, at the front door of the Court house of this County, on some court day, to sell to the highest bidder on a credit of Eight months the eight acre tract of land in the proceedings in this cause mentioned. Said commissioner will require the costs of this suit and the expense of said sale to be paid in hand, and for the deferred payments he will take bonds with good security, to himself as Commissioner, payable in eight months years time, reserving the benefit of the homestead exemption. He will report his action to this Court at the next term. And the cause is continued.

But said Commissioner is ordered before proceeding to sell under this decree will execute and before the Clerk of this Court in a penalty of one hundred and fifty dollars said and according to law.

W. H. Barker.

783 Decree 102.

23
Diam Lewis et als.

Aug. Term 1884.

Entered page 398.

J. A. Hyatt C. C.

Enter this Decree.

J. A. K.

Aug 28-1884. chd/54

H. F. Barker
vs.

Pliff

In Chancery.

Defts

Vinson Lewis et al

This cause came ^{this day} on to be heard when the bill of the plaintiff taken as confessed, as to the defendants, all of whom have failed to plead or answer, and the exhibits with said bill, and was argued by counsel. On consideration thereof it appears to the court that the judgment in the bill mentioned is a lien in favor of the plaintiff upon the real estate of the defendant Lewis, it is therefore so judged ordered, and decreed that the plaintiff recover against the defendant Vinson Lewis \$34.38 with legal interest on \$37.00 part thereof from the 31st day of December 1882, until paid, and the costs of this suit. And it appearing to the court necessary that an account should be taken in this cause it is therefore ordered that J. A. G. Hyatt be and is hereby appointed a special commissioner, who will ascertain and report ~~the same by~~ what real estate or interest in real estate, the defendant Lewis owns that is subject to the plaintiff's lien, and he will also ascertain and report the liens by judgment or otherwise upon the real estate of said defendant their amounts and their priorities and whether or not the rents and profits of said real estate will in five years pay and discharge said liens. Said commissioner will report any other fact deemed pertinent by himself or required by any of the parties and report to this Court at its next term. And the cause is continued.

H. F. Barker
in the case
of the ...

Entered page 333
J. C. ...
11/25

Enter
J. A. R.
Mar 29/54

George & Mary

to the

James & Mary

to the

to the

Henry F. Barker }
Against } In Chancery
Hiram Lewis et al }

The deposition of Andrew J. Bailey & others, taken at Knoxville on the 24th July, 1884, at the time of taking an account in the above styled Cause.

A. J. Bailey being first introduced and duly sworn deposes and says—

Question by Plaintiff—

The parties agree in this Cause to dismiss the taking of these depositions having this day entered into a written compromise of the matters of controversy in the Cause. July 22nd 1884

J. A. Hyatt
Clerk.

H. F. Barker
Depo.

no
Orran Lewis et al
No Depo. taken

A. J. Bailey - \$1.00 Ticket
Conductor 1.50
2.50

Dec. 29

B

To the Hon. H. T. Miller Judge of the
Circuit Court of this County.

The undersigned Commissioner
in the Chancery case of H. A. Bee
her vs. Hiram Lewis & Co. Rego
bears to the report that he has made &
executed a deed to the said, Beeher
for the land heretofore purchased
by him in said case.

Said deed is now filed herewith
as part of record. "A."

There being nothing further to be
done in this case, after said
deed is confirmed, the case ought
to be stricken from the docket.

Respectfully submitted

Jan 12th 1894

C. T. Newman leave

H. F. Barker

vs $\frac{2}{3}$ Report

Hiram Lewis

This Indenture made this the 28.
day of November 1882 between Thomas
K. Legg and Hiram Lewis of The
County of Lee and State of Virginia
of the one part and Carr Harley
Trustee of The County and State aforesaid
of the other part, Witnesseth that in
Consideration of the sum of one dollar
in hand paid the receipt whereof is
hereby acknowledged, The parties of the
first part do Grant bargain and sell
unto the said Trustee the following named
land to wit: the ^{one half of the} tract of land which
was laid off to John Legg and the same
place where the said Lewis now lives
containing ~~3~~ ^{the same more or less} and a tract lately divided by Carr Harley
to said Lewis at the mouth of Mells
Branch containing 8 acres more or less
in trust to be paid to James K. P. Legg the
sum of fifty one dollars with interest
from June 10. 1882 which the said Lewis
owes the said Legg and also to be paid
to Elizabeth M. Sutter the sum of
seventy five dollars with interest on
the same from the time the same has been
due which debt is subject to certain
small credits which is to be hereafter
settled. Now if the said Lewis shall

will and truly pay the said debts
to the said James K. Legg and the said
Elizabeth W. Suttles with all the
interest due on the same, on or before
the first day of May 1883. Then this
conveyance shall be null and void.
But if the said Lewis shall fail to
pay said debts with the interest thereon
against the time above named, then the
said trustee shall by the request of
the said James K. Legg and the said
Suttles proceed to sell the said land
after advertising the same at the front
door of the Court house of Lee County
for the space of thirty days, for ready
money, to the highest bidder, and then
pay off said debts, ^{with the interest thereon} and a commission
of five per cent to the said trustee for
his trouble and the expense of drawing
and recording this instrument and the
overplus if any to the said Lewis.
And the said Thomas K. Legg and
Hiram Lewis covenant with the said
Trustee, that they will warrant specially
the land hereby conveyed. Witness the
the following signatures and seals

Thomas K. Legg
Hiram Lewis

Lee County to wit: Carr Bailey
a Commissioner in Chancery for the Circuit
Court of Lee County in the State of
Virginia do Certify ~~that~~ that Thomas
N. Legg and Hiram Lewis whose names
are signed to the writing hereto annexed
bearing date on the 28. day of November
1882 have acknowledged the same
before me in my County aforesaid
Given under my hand this November
28. 1882 Carr Bailey
Comm. in Chancery &c -

Virginia Lee County Court Clerk's office the 21st
day of Nov. 1883. The foregoing deed of Trust
bearing date Nov 28th 1882, between, Thomas N.
Legg and Hiram Lewis of the first part.
and Carr Bailey Trustee of the second part.
all of Lee County Va. was this day filed
in this office and admitted to record upon
the certificate of Carr Bailey a Commissioner
in Chancery for Lee County Circuit Court.
Lester John R. Gibson Clerk

Cam & Zuley ^{Trustee}
From } Deed of Trust
Thomson Legg and
Hiram Lewis

Recorded in Deed
Book No 20 P. 822
J. R. Gibson clk

H. L. Barker
Thomas T. Legg et als } Defendants

It is agreed by and between
Thomas T. Legg and the plff
H. L. Barker in this Cause -
That said Legg, is to release
any and all claims that he
may have by reason of any
deed, or deeds of trust pur-
chase money or any other
claims, to the tract of land
described and mentioned in
said Cause as the eight acre
tract of land - And so far as
he said Legg may have any
claim whatever the said plff
may proceed to sell - And
H. L. Barker the plff in
consideration thereof releases
from the operation of his said
joinder, any lien or claim
on any other lands claimed by
Hiram Lewis and heretofore
owned by said Thomas T. Legg
and said Cause is to be dis-
missed without costs as to said
Legg. But it is further understood
that said Thomas T. Legg shall indemnify
and save harmless said tract from
the operation of any other claims thereon
by reason of said deed of trust or any other debt
incurred in said tract of land

Henry F. Barker
no agreement
Vernon Lewis et al

Filed July 24 1884
D. A. H. H. H.
ack

Witness to the following agreement
the 24th July 1884
H. F. Barker
Vernon Lewis et al

Know all men by these presents that
we James M. Orr and
are held and firmly bound unto the Commonwealth
of Virginia in the first and full sum of Five
Hundred and Twenty Five (\$250) Dollars for the
payment thereof, well and truly to be made to
the said Commonwealth, we bind ourselves
our heirs executors and Administrators jointly
and severally firmly by these presents; and
we hereby waive the benefit of our Statute
exemption as to this bond, witness our hands
and seals, October 2 1854.

The condition of the above obligation is such
that whereas in a certain suit in Chancery now
pending in the Circuit Court of Lee County Va.
in which Henry T. Brown is Plaintiff and John
Lambert others are defendants, there was a decree
rendered on the 28th Aug 1854, directing said
James M. Orr as Comr. to sell publicly certain
lands mentioned in said bill,

Now if the said Orr or Comr. shall
well and truly perform the duties set out
in said decree and faithfully account
for such sum of money as he may receive
then this obligation to be null and void
otherwise to remain in full force and
virtue.

H. F. Barker
no 3 Bond
Giram Lewis

VIRGINIA, Lee County---to wit:

To

M. H. Reese

Constable of said County:

I hereby command you to Summon

Hiram Lewis & H. H. Barker
Appropriate

if to be found in your District, to appear at

in said

county, on the *10* day of *March* 188*3*, before me or such other Justice of said county

as may then be there to try this Warrant, to answer the complaint of

W. M. Pennington

and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ *37*

due by *Note* and then and there make return of this Warrant. Given under my hand the

7 day of *March* 188*3*.

Wm P Page

J. P.

Wm M Pennington
against

Hiram Lewis and H. H. Barker

10 day of *March* 188*3*.
(In Debt.)

At *Wm P Page*

in said county.

JUDGMENT, That the Plaintiff recover of the Defendant, \$ *37* with interest thereon from

the *31* day of *December* 188*2*, till paid, and \$ *1.50* for costs.

Wm P Page

J. P.

VIRGINIA, Lee County--to wit: To

M. H. Reese

Constable of said

County: I command you, in the name of the Commonwealth of Virginia, that of the goods and chattels

of *Hiram Lewis and H. H. Barker* in your county, you cause to be made the sum of

\$ *37* with interest thereon from the *31* day of *December* 188*2* till paid,

which *Wm M Pennington* has recovered before me in

a warrant in debt, and also the sum of \$ *1.50*, which were adjudged to the said *Wm M Pennington*

for costs in prosecuting the said warrant. Given under my hand this the

10 day of *March* 188*3*.

Wm P Page

J. P.

Wm. Pennington
J. S. Merritt
Thos. Lewis
D. H. Barker

\$37.

Executed by me
Chas. H. Pease & Co

Filed July 19 - 1883
J. R. Sistrunk & Co
Docketed Oct. 16 - 1883

This execution is stayed 10 days by John C.
Barnes as receiver then under my hand
this 10 day of march 1883

Wm. Pennington
bound
Chas. H. Pease & Co

The Commonwealth of Virginia.

To the Sheriff of Lee County---Greeting:

We command you, That of the goods and chattels of *Hiram Lewis +*
H. F. Barker

late of your bailiwick, you cause to be

made \$ *37.00*

with legal interest thereon from the *31st* day of *Dec.*

18*82*, till paid, which *Wm. M. Pennington* before

W. P. Page

late Justice of the Peace in and for said County, hath recovered

against him by Warrant for Debt. Also the sum of \$ *15.00* which to the said *W. M. Pennington*

before the Justice was adjudged

for his costs in the said Warrant expended. Also, the further sum of \$ *88* for issuing this
execution from the Clerk's office of the County Court of said county, pursuant to the Act of Assembly in
that case made and provided, whereof the said *Lewis + Barker*

is convicted as appears to us of record, and that you have the
same before the Judge of our County Court for said county in the Clerk's office, at Rules to be held there-
for, on the first Monday in *Dec.* next, to render to the said *Pennington*

of the debt and costs aforesaid; and

have then and there this Writ Witness, JOHN R GIBSON, Clerk of our said Court, at the Court
House, this the *16* day of *Oct* 18*83*, in the 10*8*th year of the Com-
monwealth.

John R. Gibson, Clerk.

J.P. 15.00
6 18.88
22.38

Received ^{amount} payments in full 1883

W M Pennington

J.P. (77)

Wm M Pennington
vs { Hi Sta
Hiram Lewis et al

Dec Rules 1883.

by H. L. Barker
Paid in full
26 1885

H. L. Pennington
O L P

Rec'd by Court
W M Pennington

VIRGINIA, Lee County---to wit:

To *J. W. Fleenor*

Constable of said County:

I hereby command you to Summon

Hiram Lewis
my office

if to be found in your District, to appear at

in said

county, on the *19th* day of *Jan*

1884 before me or such other Justice of said county

as may then be there to try this Warrant, to answer the complaint of

Hamblet & Russell

and upon a claim for money not exceeding \$100 00, exclusive of interest, to wit: for the sum of \$ *15⁶⁵*

due by *Acct*

and then and there make return of this Warrant. Given under my hand the

14th day of

Jan

1884.

H. C. Forsgren J. P.

Hamblet & Russell
against

Hiram Lewis

19th day of *Jan* 1884.
(In Debt)
At *Jonesville* in said county.

JUDGMENT, That the Plaintiff recover of the Defendant, \$ *15⁶⁵* with interest thereon from

the

19th day of

Jan

1884, till paid, and \$ *1⁰⁰* for costs.

H. C. Forsgren J. P.

VIRGINIA, Lee County--to wit: To *J. W. Fleenor* Constable of said

County: I command you, in the name of the Commonwealth of Virginia, that of the goods and chattels

of *Hiram Lewis*

in your county, you cause to be made the sum of

\$ *15⁶⁵*

with interest thereon from the

19th day of

Jan

1884 till paid,

which *Hamblet & Russell* has recovered before

Do in

a warrant in debt, and also the sum of \$ *1⁰⁰*

which were adjudged to the said *Hamblet*

Russell

for costs in prosecuting the said warrant. Given under my hand this the

19th day of

January

1884.

H. C. Forsgren J. P.

Hambleton Russell
U.S. Warrant
Moran Lewis

Executed Jan. 17th 1884
J. W. Flanagan C. L. C.

et'o property found
Jan 19th 1884
J. W. Flanagan C. L. C.

Filed & Docketed Jan'y
19th 1884.

John R. Gilson clk.

Dec recd Nov 21/83.

dated Nov 24/82.

Judge Dec 31/1882.

Mr 10/83

Filed July 19/83.

Docketed Oct 16/83.

Virginia :

Lee County Court.

ORDERED. That

days attendance as a witness for

traveling

miles over ten in coming

TESTE :

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

*N. Legg, Barr. Bailey Trustee, James K P Legg, Elizabeth M
Suttle & Silas Suttle her husband*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *February*

next being rule day to answer a bill in chancery exhibited in our said Court against

them by *H. H. Barker*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This *30th* day of *January* 1884, in the 10th year of the Commonwealth.

J. A. G. Hyatt.

Clerk:

R.D. 70.
H. F. Barker
vs { Sfa in chy

Hiram Lewis et al.

Feb. Rules 1884

Executed by delivering
an office copy of the
within Sfa to Eliza
-beth Suttle & Silas
Suttle.

S. H. Loring OS.
for R. D. Flanagan! 22.

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You

To Summon Hiram

Lewis, ~~Am. M. L. Legg, J. H. P. Legg, A. J. Bailey,~~
and ~~Carr. Bailey B. W. Barker~~
a Court

To appear before the Judge of our Circuit Court of Lee County, at the Courthouse on the 24th day of July

There next to testify and the truth to speak in behalf of

Henry A. Barker

in certain matters of controversy pending in our said Court between

Said H. A. Barker PLAINTIFF and Hiram Lewis & others

DEFENDANTS

And this

they

shall in no wise omit under the

penalty of Twenty Dollars. And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

16th

day of

July

1884

, in the 10⁸

year of the Commonwealth.

J. A. G. Hyatt

Clerk.

H. F. Barker
vs $\frac{1}{3}$ Spa for wit.
Hiram Lewis

To 24th July 1884

Executed by
Summoning
Hiram Lewis—
July 22nd 1884.

R. D. Flanagan
S. L. C.

Shd 189

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon *Niram Lewis, Thomas N
Legg, Leann Bailey Trustee, James K. P. Legg, Elizabeth M
Buttle & Silas Buttle her husband*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

February

next being rule day to answer a bill in Chancery exhibited in our said Court against

them

by *H. F. Barker*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This *30th* day of *January* 1884, in the 108th year of the Commonwealth.

J. A. G. Hyatt, Clerk

H. H. Barker ^{W.D. + 0.}
95 { Spa in Chy.
3
Hiram Lewis et
-als

37.00
2.38
37.38

Feb. Rules 1884

Executed Jan. 31st
1884 by deliberating an
office copy of the within
Spa to, Hiram Lewis
Carr Bailey, Thos. Legg
& Jas K. P. Legg.

R. D. Flanagan, Secy.